

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERSONAL AUDIO, LLC

v.

HOWSTUFFWORKS.COM

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Case No. 2:13-CV-15-JRG-RSP


**ORDER**

Currently before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 3, 2014 (Dkt. No. 27) regarding Plaintiff Personal Audio's Motion to Dismiss Defendant Howstuffworks.com's ("HSW") affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 12, filed April 10, 2013, referred to herein as the "Motion"). No objections having been filed and for the reasons set forth in the Court's Report and Recommendation, the Recommendation is adopted. Accordingly,

IT IS ORDERED that Personal Audio's Motion to Dismiss Defendant HSW's affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 12) is **DENIED**.

**So Ordered and Signed on this**

**Mar 31, 2014**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE